

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

H. LUNDBECK A/S, TAKEDA
PHARMACEUTICAL COMPANY LTD.,
TAKEDA PHARMACEUTICALS U.S.A.,
INC., TAKEDA PHARMACEUTICALS
INTERNATIONAL AG, and TAKEDA
PHARMACEUTICALS AMERICA, INC.,

Plaintiffs,

v.

APOTEX INC., et al.,

Defendants.

DEFENDANTS' MOTION TO STRIKE PORTIONS OF PLAINTIFFS' EXPERT REPORTS TO LUPIN

Defendants Lupin Pharmaceuticals, Inc. and Lupin Limited (collectively, “Lupin”) respectfully move to strike certain portions expert reports served by Plaintiffs H. Lundbeck A/S, Takeda Pharmaceutical Company Ltd., Takeda Pharmaceuticals U.S.A., Inc., Takeda Pharmaceuticals International AG, and Takeda Pharmaceuticals America, Inc. (collectively, “Plaintiffs”), for asserting a theory of infringement not previously disclosed. The grounds for this motion are set forth in Lupin’s letter brief in support of this motion, filed concurrently herewith.

Pursuant to the Court's procedure, copies of the reports that are the subject of this motion, are attached hereto as identified below. Portions highlighted reflect opinions that relate to the new infringement theory, but may include opinions regarding other theories as well. Lupin's motion is intended to cover any opinion that Lupin infringes based on the new infringement theory, as explained in the letter brief filed concurrently herewith. Exhibits attached hereto are as follows:

- **Exhibit A:** Opening Expert Report of Dr. Allan S. Myerson Regarding Lupin's Infringement of U.S. Patent Nos. 8,722,684, 8,969,355, 9,227,946, 9,861,630, and 9,278,096
- **Exhibit B:** Appendix C to the Opening Expert Report of Dr. Allan S. Myerson Regarding Lupin's Infringement of U.S. Patent Nos. 8,722,684, 8,969,355, 9,227,946, 9,861,630, and 9,278,096
- **Exhibit C:** Expert Report of Mickael Morin, Ph.D. Regarding S-XRPD Testing

Dated: May 6, 2020

/s/ James M. Lennon

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Lupin Pharmaceuticals, Inc.*

D. DEL. L.R. 7.1.1 CERTIFICATION

Pursuant to D. Del. LR 7.1.1, Defendants state that a reasonable effort has been made to reach agreement with Plaintiffs on the subject of this motion, but the parties have been unable to reach agreement.

/s/ James M. Lennon
James M. Lennon